

# **JOURNAL OF THE SENATE**

## **NINETY-FIRST SESSION**

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SIXTEENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, February 5, 2016

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by Senate page Elizabeth Petersen.

Roll Call: All members present except Sen. Sutton who was excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the fifteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Gary Cammack, Chair

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 29 and 35 and finds the same correctly enrolled.

Respectfully submitted,  
Gary Cammack, Chair

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 85 and returns the same with the recommendation that said bill be amended as follows:

85fa

On page 2, line 5, of the printed bill, delete "This section" and insert "A motorcycle is only required to display one number plate.".

On page 2, line 6, delete "does not apply to any motorcycle.".

And that as so amended said bill do pass.

Respectfully submitted,  
Mike Vehle, Chair

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 95 and HB 1033 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration HB 1036 and 1037 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,  
Bob Ewing, Chair

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration  
3 SB 73 and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on State Affairs respectfully reports that it has had under consideration  
6 SB 91 and returns the same with the recommendation that said bill be amended as follows:

7 91fa

8 On page 3, between lines 12 and 13 of the printed bill, insert:

9 "

10 Section 3. That § 2-1-3.1 be amended to read:

11 2-1-3.1. The petition as it is to be circulated for a referred law shall be filed with the  
12 secretary of state prior to circulation for signatures and shall:

- 13 (1) Contain the title of the referred law;
- 14 (2) Contain the effective date of the referred law;
- 15 (3) Contain the date of the general election at which the referred law is to be submitted;
- 16 (4) Be accompanied by a notarized form that includes the names and addresses of the  
17 petition sponsors; and
- 18 (5) Be accompanied by a statement of organization as provided in § 12-27-6.

19 The petition shall be filed with the secretary of state within ninety days after the  
20 adjournment of the Legislature which passed the referred law. A sworn affidavit, signed by at  
21 least two-thirds of the petition sponsors, stating that the documents filed constitute the entire  
22 petition and to the best of the knowledge of the sponsors contains a sufficient number of  
23 signatures shall also be filed with the secretary of state. The form of the petition and affidavit  
24 shall be prescribed by the State Board of Elections.

25 The petition circulator shall provide to each person who signs the petition a form containing  
26 the title of the referred law; the name, phone number, and email address of each petition  
27 sponsor; and a statement whether the petition circulator is a volunteer or paid petition circulator.  
28 The form shall be approved by the secretary of state prior to circulation."

29 91oa

30 On the previously adopted amendment (91fa), in the last paragraph, before ". The" insert  
31 "and, if a paid circulator, the amount the circulator is being paid".

32 On page 2, line 4, of the printed bill, before "." insert "and, if a paid circulator, the amount  
33 the circulator is being paid".

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**MOTIONS AND RESOLUTIONS**

2       SENATE PAGE RESOLUTION 2 Introduced by: Senators Bradford; Brown; Buhl  
3 O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield, Brock; Hagggar, Jenna;  
4 Haverly; Heineman, Phyllis; Heinert; Holien; Hunhoff, Bernie; Jensen, Phil; Monroe; Novstrup,  
5 David; Olson; Omdahl; Otten, Ernie; Parsley; Peters; Peterson, Jim; Rampelberg; Rusch;  
6 Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

7 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninety-first  
8 Legislature of the State of South Dakota to Ruth Burkhalter, Hannah Cleveland, Mallory  
9 Gauer, Hannah Gruenwald, Alexendra Hansen, Layne Hohn, Rylee Homandberg, Kathryn  
10 Paulson, Elizabeth Petersen, Molly Walker.

11       WHEREAS, the above named served loyally as pages for the Senate of the Ninety-first  
12 Legislative Session; and

13       WHEREAS, the members of the Ninety-first Senate express their most sincere appreciation  
14 to these young people for their service to the state; and

15       WHEREAS, the members extend to these young people their wishes for every success in  
16 life:

17       NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-first Legislature  
18 of the State of South Dakota, that a personal copy of this resolution be duly certified and  
19 furnished to each page on this last day of service.

20       Sen. Shorma moved that Senate Page Resolution 2 be adopted.

21       The question being on Sen. Shorma's motion that Senate Page Resolution 2 be adopted.

22       And the roll being called:

23       Yeas 33, Nays 0, Excused 2, Absent 0

24       Yeas:

25 Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock); Hagggar  
26 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
27 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
28 Rampelberg; Rusch; Shorma; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle; White

29       Excused:

30 Bradford; Sutton

31       So the motion having received an affirmative vote of a majority of the members-elect, the  
32 President declared the motion carried.

1 Sen. Brown moved that HCR 1004 be deferred to Monday, February 8<sup>th</sup>, the 17<sup>th</sup> legislative  
2 day.

3 Which motion prevailed.

4 HCR 1005: A CONCURRENT RESOLUTION, Urging the federal government to refrain  
5 from enacting regulations that threaten the reliability and affordability of electric power in the  
6 northern great plains.

7 Was read the first time, the President waived the referral to committee, and placed HCR  
8 1005 on the calendar of Monday, February 8<sup>th</sup>, the 17<sup>th</sup> legislative day.

9 HCR 1006: A CONCURRENT RESOLUTION, Commending and recognizing the  
10 numerous contributions made by South Dakota's social workers and recognizing March 2016  
11 as Social Work Month.

12 Was read the first time, the President waived the referral to committee, and placed HCR  
13 1006 on the calendar of Monday, February 8<sup>th</sup>, the 17<sup>th</sup> legislative day.

#### 14 **CONSIDERATION OF REPORTS OF COMMITTEES**

15 Sen. Brown moved that the reports of the Standing Committees on

16 Agriculture and Natural Resources on SB 58 as found on page 209 of the Senate Journal;  
17 also

18 Agriculture and Natural Resources on SB 71 as found on page 210 of the Senate Journal;  
19 also

20 Agriculture and Natural Resources on SB 80 as found on page 210 of the Senate Journal;  
21 also

22 Judiciary on SB 79 as found on page 209 of the Senate Journal; also

23 Judiciary on SB 90 as found on page 209 of the Senate Journal be adopted.

24 Which motion prevailed.

1                   **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2                   SB 170 Introduced by: The Joint Committee on Appropriations

3                   FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the  
4 legislative, judicial, and executive departments of the state, the expenses of state institutions,  
5 interest on the public debt, and for common schools.

6                   Was read the first time and referred to the Joint Committee on Appropriations.

7                   SB 171 Introduced by: The Committee on Health and Human Services

8                   FOR AN ACT ENTITLED, An Act to permit and regulate the compassionate use of  
9 cannabis and provide penalties therefor.

10                  Was read the first time and referred to the Committee on Health and Human Services.

11                  SB 164 was referred to the Committee on State Affairs.

12                   **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

13                  HB 1054: FOR AN ACT ENTITLED, An Act to authorize the production and sale of  
14 industrial hemp.

15                  Was read the first time and referred to the Committee on Agriculture and Natural  
16 Resources.

17                  HB 1079: FOR AN ACT ENTITLED, An Act to permit the prescription and possession  
18 of an opioid antagonist in certain instances.

19                  Was read the first time and referred to the Committee on Health and Human Services.

20                  HB 1090: FOR AN ACT ENTITLED, An Act to require certain statements and audits  
21 concerning insurance pooling arrangements to be filed with the Department of Legislative  
22 Audit.

23                  Was read the first time and referred to the Committee on Commerce and Energy.

1 HB 1113: FOR AN ACT ENTITLED, An Act to exempt from the excise tax on motor  
2 vehicles the transfer of motor vehicles to a nonprofit organization under certain conditions.

3 Was read the first time and referred to the Committee on Taxation.

#### 4 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENT**

5 The Senate proceeded to the consideration of the executive appointment of Russell Olson  
6 of Lake County, Wentworth, South Dakota, to the Game, Fish and Parks Commission.

7 The question being "Does the Senate advise and consent to the executive appointment of  
8 Russell Olson pursuant to the executive message as found on page 126 of the Senate Journal?"

9 And the roll being called:

10 Yeas 34, Nays 0, Excused 1, Absent 0

11 Yeas:

12 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield  
13 (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);  
14 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;  
15 Peterson (Jim); Rempelberg; Rusch; Shorma; Soholt; Solano; Tidemann; Tieszen; Van Gerpen;  
16 Vehle; White

17 Excused:

18 Sutton

19 So the question having received an affirmative vote of a majority of the members-elect, the  
20 President declared the appointment confirmed.

21 Sen. Brown moved that the balance of the calendar including SB 5, 64, and 102 and HB  
22 1025, 1056, and 1063 be deferred to Monday, February 8<sup>th</sup>, the 17<sup>th</sup> legislative day.

23 Which motion prevailed.

#### 24 **SIGNING OF BILLS**

25 The President publicly read the title to

26 SB 29: FOR AN ACT ENTITLED, An Act to update the nurse practice act and to adopt  
27 a new Interstate Nurse Licensure Compact.



1 SB 35: FOR AN ACT ENTITLED, An Act to update references to certain federal motor  
2 carrier regulations.

3 HB 1018: FOR AN ACT ENTITLED, An Act to define certain terms related to commercial  
4 fertilizer and soil amendments.

5 HB 1019: FOR AN ACT ENTITLED, An Act to revise certain provisions related to milk  
6 sampling and grading licenses and tester and grader licenses.

7 HB 1020: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning fire  
8 prevention and compacts related to the prevention and control of forest fires.

9 HB 1021: FOR AN ACT ENTITLED, An Act to allow child advocacy centers and tribal  
10 agencies that provide child placement services to obtain results from a check of the central  
11 registry for abuse and neglect.

12 HB 1022: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the  
13 use of another planned permanent living arrangement as a permanency plan for certain children.

14 HB 1030: FOR AN ACT ENTITLED, An Act to revise certain codes and standards  
15 regarding fire prevention.

16 HB 1032: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
17 guaranteed energy savings contracts.

18 HB 1038: FOR AN ACT ENTITLED, An Act to update certain citations to federal  
19 regulations regarding pipeline safety inspections.

20 HB 1040: FOR AN ACT ENTITLED, An Act to revise and implement certain provisions  
21 regarding the regulation of risk retention groups.

22 HB 1041: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
23 recovery of certain insurance company premium and annuity taxes.

24 HB 1062: FOR AN ACT ENTITLED, An Act to permit an order changing the name of a  
25 minor child without prior publication in certain instances.

26 And signed the same in the presence of the Senate.

27 Sen. Fiegen moved that the Senate do now adjourn, which motion prevailed and at  
28 1:31 p.m. the Senate adjourned.

29 Kay Johnson, Secretary

